

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Jan Chipchase  
Title: SYSTEM AND METHOD FOR  
VIRTUAL ENTITY ACCESS  
Appl. No.: 10/718,822  
Filing Date: 11/21/2003  
Examiner: Venkatanaray Perungavoor  
Art Unit: 2132  
Confirmation Number: 1339

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Examiner:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal and with the required fee.

This communication is responsive to the Final Office Action dated June 17, 2008 and the Advisory Action dated July 31, 2008, concerning the above-referenced patent application, making September 17, 2008, three-months from the mailing date. Accordingly, this pre-appeal brief is timely filed. Claims 22-36 and 55-69 were canceled previously. Claims 1-21, 37-54, and 70-77 are pending in this application.

**Claim Rejections Under 35 U.S.C. § 102(b)**

On page 2 of the Final Office Action, Claims 1-77 were rejected under 35 U.S.C. § 102(b) as being anticipated by a paper title *Bridging Physical and Virtual Worlds with Electronic Tags* by Want *et al.* (Want). Claims 22-36 and 55-69 were cancelled in the response mailed April 21, 2008, rendering their rejection moot. Applicant respectfully

traverses the remaining rejections because Want fails to teach, suggest, or disclose all of the elements of at least independent Claims 1, 37, 70, and 71.

Independent Claim 1 recites:

receiving specification of a virtual entity;  
electronically receiving specification of a physical entity form factor;  
providing a physical entity having said form factor, wherein said physical entity is employable in accessing said virtual entity.

Independent Claims 37, 70, and 71 recite a similar feature.

On page 2 of the Advisory Action, the Examiner states:

Want discloses the augment of RFID tags to several items based on user's wishes see page 371 SYSTEM OVERVIEW par. 1 & Page 372 SOME SAMPLE APPLICATIONS AND PROTOTYPES. And further Want discusses several factors in choosing the right tags for application, e.g. unobtrusiveness(physical shape of tags), robustness(wear and tear due to normal use) see Page 372 Unobtrusiveness & Robustness.

On page 371, Want states that the “essence of the system is the attachment of one or more electronic identification tags [to] each physical item that we wish to augment.” On page 372, Want describes the advantages of the tag system including its unobtrusiveness and robustness. However, Applicant respectfully submits that Want fails to teach, suggest, or describe “electronically receiving specification of a physical entity form factor” (with emphasis added through underlining) as recited in at least Claims 1, 37, 70, and 71, in either of the cited sections or in fact at all. Want states:

Tags can be imperceptibly added to existing physical artifacts used for user identification, such as ID cards, signet rings, watches, jewelry, or even keys. When such an artifact moves close to the computer, the user specified by the tag has their profile and preferences applied to the current context.

(pg. 374). Thus, Want describes a physical entity. However, Want fails to teach, suggest, or describe “electronically receiving specification of a physical entity form factor” as recited in Claims 1, 37, 70, and 71 from which the remaining claims depend.

Claims 72, 74, 75, and 77

On page 2 of the Final Office Action, the Examiner argues that Want discloses receiving specifications of one or more physical entity cosmetic attributes in “Augmenting Non-Document Objects: The Photo Cube.” Relative to “Augmenting Non-Document Objects: The Photo Cube,” Want states:

Virtual links may be associated with any physical container or object and may reference various media, not just textual information. For example, consider a "photo cube" (Figure 9). In this document container, a set of 6 related documents (photographs) are bound together within the same physical object. Each face or side of the cube has its own associated information set, augmented by a unique ID tag. This is one example of a 3D-augmented object.

To implement this prototype, we took a small balsa wood cubeoid (5cm by 7.5cm by 7.5cm), and drilled holes in each face such that each face could accommodate a disk-sized tag (see Figure 1). Each face was then covered with a photograph - one photo of each author of this paper. .... Each of these graphics had a corresponding Web site link. The virtual association for each face, then, was to the Web home page for the person or organization shown on that face. For example, in Figure 10, a photo of a team member is being touched to the computer. In Figure 11, as a result of this action, the computer is displaying that person's home page. The photo-cube illustrates one mechanism associating particular affordances of a specific physical object with a set of virtual documents.

(pg. 375). Thus, Want describes physically decorating a physical entity. However, nowhere in Want is there a teaching or suggestion of “electronically receiving specification of one or more physical entity cosmetic attributes” as in Claims 72, 74, 75, and 77.

Claims 19 and 54

On page 2 of the Advisory Action, the Examiner states that “Want discloses the ID tags being associated with a user/computer and being mapped to a database to limit access to documents see Page 376 Software Infrastructure Par. 2.” Relative to “Software Infrastructure,” Want states:

We create a shared network database, mapping each tag ID number to its virtual association. By placing this database on

the network, and making the association descriptions generic, we were able to support augmented documents in a portable way and ensure consistent object response across multiple computers/users.

(pg. 376). Thus, Want describes creating a database mapping each tag ID to its virtual association. However, Want fails to teach, suggest, or describe “access restrictions are imposed for said virtual entity,” as recited in Claims 19 and 54, in the cited section or anywhere in the entire Want reference.

Claims 20 and 21

On page 2 of the Advisory Action, the Examiner states that “Want discloses the associating [sic] a set of actions with a tags that a [sic] administrator must maintain [sic] in a file, which can include a payment for physical entity see Page 372 Associating Functionality.” Relative to “Associating Functionality,” Want states that “[a]t present our system supports a general binding of tag to semantics. However, this comes at a price. The administrator of the tag system or the user must register actions and maintain this file.” (Pg. 372). Thus, Want uses the term “price” in the context of a disadvantage or penalty associated with “register[ing] actions and maintain[ing] this file.” However, the use of the term “price” is clearly not in the context of “receiving payment for said physical entity” as recited in Claim 20 and to “a correlation between payment amount and access restrictions imposed for said virtual entity” as recited in Claim 21. Therefore, Want fails to teach, suggest, or describe all of the elements recited in Claims 20 and 21, in the cited section or in fact at all.

Claim 70

On page 2 of the Advisory Action, the Examiner states that “Want discloses the provisioning [sic] hardware by registering with the database see Page 372 Par 3.” In the cited paragraph, Want states that “our application program interprets the ID input string, determines the current application context, and provides appropriate feedback. In particular, we maintain an ASCII file that maps ID numbers to one or more actions.” (Pg. 372). However, Applicant respectfully submits that Want fails to teach, suggest, or describe anything whatsoever related to “physical entity provisioning hardware,” as recited in Claim 70, in the cited section or anywhere in Want.

Claims 73 and 76

On page 2 of the Advisory Action, the Examiner states that "Want discloses many implementations including a computer see Page 376 Harware [sic] Integration & Page 375 PhotoCube." Neither of the cited sections of Want relates in any way to "a computer vending machine" as recited in Claim 73 or "a computerized vending machine" as recited in Claim 76. In fact, fully considering the entire reference, Want fails to teach, suggest, or describe anything whatsoever related to "a computer vending machine" as recited in Claim 73 or "a computerized vending machine" as recited in Claim 76.

For the foregoing reasons, it is submitted that all of the claims that have been examined in this application are in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

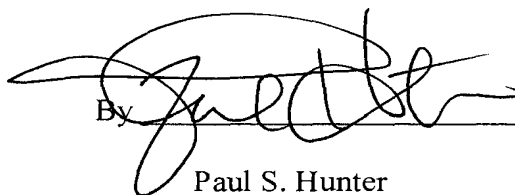
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 16, 2008

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By

A handwritten signature in black ink, appearing to read "Paul S. Hunter", written over a horizontal line.

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